

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE ROMAN CATHOLIC DIOCESE OF
ROCKVILLE CENTRE, NEW YORK,

Plaintiff,

-v-

ARROWOOD INDEMNITY COMPANY,

Defendant.

CIVIL ACTION NO.: 20 Civ. 11011 (JLR) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge:

Pursuant to the telephone conference held today, June 1, 2023 (the “Conference”), the Court orders as follows:

1. The request of The Roman Catholic Diocese of Rockville Centre, New York (the “Diocese”) to quash the deposition and document subpoenas (the “Subpoenas”) that Defendant Arrowood Indemnity Company (“Arrowood”) served on non-parties Brian Cosgrove (“Mr. Cosgrove”), Monsignor Alan Placa (“Msgr. Placa”), and Eileen Puglisi (“Ms. Puglisi”) or, in the alternative, for a protective order limiting the scope of the subpoenas to discovery relating to Arrowood’s late-notice defense (ECF No. 137 (the “Diocese’s Request”) is GRANTED IN PART and DENIED IN PART as follows:
 - a. The Subpoenas directed to Msgr. Placa and Ms. Puglisi shall be limited “to documents that post-date the policy period and concern notices of claims or allegations that were previously undisclosed to the Diocese or its agents during the policy period[,]” (ECF No. 122 at 29), and to testimony concerning their knowledge of notices of claims or allegations that post-date the

Arrowood policy period and were previously undisclosed to the Diocese or its agents during the Arrowood policy period.

- b. The Court's ruling on the Diocese's Request as to Mr. Cosgrove is HELD IN ABEYANCE pending Arrowood's meet and confer with Mr. Cosgrove's counsel regarding the scope of the Subpoena to Mr. Cosgrove.

- 2. For the reasons stated on the record at the Conference, Arrowood's request for an order directing: "(1) the continued deposition of William Chapin; (2) that Arrowood be permitted to question Mr. Chapin regarding any interim communications with the Diocese's counsel regarding Mr. Chapin's testimony; (3) fees and costs associated with the deposition; and (4) that Mr. Berringer be precluded from the defense of the witness during the deposition" (ECF No. 139 ("Arrowood's Request")) is GRANTED IN PART and DENIED IN PART to the extent that Mr. Chapin's deposition shall continue for an additional four (4) hours of on-the-record time, and is otherwise DENIED.

- 3. The discovery scheduled is EXTENDED as follows:

- a. All fact discovery shall be completed by **August 31, 2023**.
- b. By **September 7, 2023**, the parties shall file a joint letter certifying the completion of fact discovery.
- c. All expert discovery shall be completed by November 28, 2023, and shall proceed as follows:
 - i. The Diocese shall serve its expert disclosures by **August 31, 2023**.
 - ii. Arrowood shall serve its expert disclosures by **September 28, 2023**.
 - iii. Expert depositions shall be completed by **November 28, 2023**.

- d. By **December 5, 2023**, the parties shall file a joint letter certifying the completion of expert discovery.
4. By **June 15, 2023**, the parties shall file a joint letter, no longer than three (3) pages, reporting on the status of Arrowood's meet and confer with Mr. Cosgrove's counsel, and raising any ripe discovery disputes requiring the Court's attention.
5. The parties shall promptly order a transcript of the Conference.

The Clerk of Court is respectfully directed to close ECF Nos. 137 and 141.

Dated: New York, New York
June 1, 2023

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge